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By: Kevin R. Jespersen
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JANUARY 12, 2006
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
Docket No.

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE	:	Administrative Action
OF	:	
	:	
	:	CONSENT ORDER
MATTHEW R. PONZIO, M.D.	:	
LICENSE NO. MA02335300	:	
	:	
TO PRACTICE MEDICINE AND	:	
SURGERY IN THE STATE OF NEW	:	
JERSEY	:	

This matter is being opened to the Board of Medical Examiners (the "Board") jointly by Kevin R. Jespersen, Deputy Attorney General, appearing for Peter C. Harvey, Attorney General of New Jersey, and Alex J. Keoskey, Esq., appearing for DeCotiis, Fitzpatrick, Cole & Wisler, LLP, attorneys for the Respondent Matthew R. Ponzio, M.D. On November 9, 2004, the Attorney General filed a Verified Complaint that alleged Matthew R. Ponzio, M.D.

engaged in conduct that violated the statutes and regulations governing the practice of medicine in the State of New Jersey. Dr. Ponzio, through his attorneys, filed an Answer to the Verified Complaint. On November 19 and 22, 2004, a hearing committee (the "Committee") of the Board considered an application of the Attorney General for the temporary suspension of Dr. Ponzio's license. The Committee temporarily suspended Dr. Ponzio's license to practice medicine, pending a plenary hearing, by a written Order dated November 22, 2004, such temporary suspension having taken effect on December 1, 2004. On December 8, 2004, the Board ratified the Order of the Committee. In order to avoid further proceedings in this case, Dr. Ponzio consents and agrees to each and every term of this Consent Order. The Board has determined that the within disposition is adequate to protect the public health, safety and welfare at this time. For such reasons and other good cause shown,

IT IS on this 11th day of January, 2005~~6~~

ORDERED:

1. Dr. Ponzio hereby withdraws his Answer to the Verified Complaint of the Attorney General and hereby affirms that he does not contest the allegations of the Verified Complaint.

2. The Board hereby finds that Dr. Ponzio has engaged in conduct that constitutes multiple violations of N.J.S.A. 45:1-21(b), (c) and (d).

3. Matthew R. Ponzio, M.D.'s license to practice medicine is hereby suspended for a period of five years, such period of suspension to commence as of January 1, 2006. Such suspension shall be active, subject to the provisions of paragraphs 4 and 5.

4. Dr. Ponzio may apply to the Board to have the suspension of his license amended from active to stayed only upon the satisfaction of each of the following terms:

a. Dr. Ponzio will fully and satisfactorily complete the entirety of the Education Plan that the Center for Personalized Education for Physicians ("CPEP") issued and that Dr. Ponzio executed on August 30, 2005. A copy of the Education Plan is attached as Exhibit A to this Consent Order. For purposes of the Consent Order, full and satisfactory completion of the CPEP Education Plan shall mean:

i. Dr. Ponzio fully complies with all requirements of the CPEP Education Plan; and

ii. CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily and fully completed the CPEP Education Plan; and

iii. Dr. Ponzio has undergone a complete Post-Education Evaluation by CPEP (as specified at page 9 of the CPEP Education Plan) and CPEP has unconditionally determined that Dr. Ponzio is qualified to practice medicine.

b. Dr. Ponzio must fully and satisfactorily complete the entirety of the Education Plan no later than June 1, 2007. In the event that Dr. Ponzio fails to fully and satisfactorily complete the entirety of the Education Plan by June 1, 2007, the suspension of Dr. Ponzio's license shall remain active for the full term of the suspension.

c. CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the CPEP medical record keeping course.

d. Dr. Ponzio will successfully complete a medical ethics course approved in advance by the Board. Dr. Ponzio's attendance at the ProBE Program of the Ethics Group, LLC, on January 21 through 23, 2005, shall not satisfy the requirements of this paragraph.

e. For purposes of this Consent Order, "successful completion" of a course shall mean that Dr. Ponzio attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass.

f. Dr. Ponzio will have made all payments then due in accordance with the schedule set forth in paragraphs 12 and 13 of this Consent Order.

5. The Board shall issue an appropriate Order granting Dr. Ponzio such limited license to practice medicine as is necessary

for Dr. Ponzio to participate in and complete the Education Plan. Any Order granting a limited license may contain such terms and conditions as the Board may reasonably require to protect the health, safety and welfare of patients and the public.

6. The Board and the Attorney General will have full and complete access to any communications between Dr. Ponzio and CPEP, and will have full and complete access to any recommendations or evaluations issued by CPEP.

7. The Attorney General and the Board may provide to CPEP, upon CPEP's request, all or any part of the record of the proceedings before the Board, before any committee of the Board, or before the Medical Practitioner Review Panel, including but not limited to, the Verified Complaint, expert reports, statements of witnesses, and transcripts of proceedings. The Board and the Attorney General shall inform counsel for Dr. Ponzio of the materials the Board and Attorney General submit to the CPEP and, upon request, shall furnish copies of such materials to counsel for Dr. Ponzio.

8. If CPEP determines, for any reason whatsoever, that Dr. Ponzio is unable or incapable of engaging in the practice of medicine without endangering the health, safety and welfare of any person, then Dr. Ponzio shall be ineligible to have the active suspension amended to a stayed suspension, and the suspension of Dr. Ponzio's license shall remain an active suspension.

9. If, during the period of active suspension, Dr. Ponzio shall engage in any aspect of the practice of medicine in any other jurisdiction, including any other State of the United States or any foreign country, or shall engage in any aspect of the practice of medicine under the auspices of any governmental entity, such as the United States Veterans Administration or any branch of the United States Armed Services, then the period of active suspension prescribed under this Order shall be extended for a period of days equal to the total number of days that Dr. Ponzio engaged in such practice.

10. Throughout the time that Dr. Ponzio participates in the Education Program and throughout the period of stayed suspension, if there should be a period of stayed suspension:

a. Dr. Ponzio shall fully comply with whatever recommendations CPEP may make with regard to practice restrictions.

b. Dr. Ponzio shall not engage in the practice of medicine for more than a total of 40 hours a week.

c. Dr. Ponzio shall engage a preceptor, approved in advance by the Board, and such preceptor shall supervise Dr. Ponzio consistent with the requirements of the CPEP Education Plan. Upon Dr. Ponzio's completion of the CPEP Education Plan, and for the duration of any stayed suspension under this Consent Order, the preceptor will continue to provide the supervision described by the CPEP Education Plan. Such supervision will include meeting with

Dr. Ponzio twice a month to review charts; reviewing sixteen of Dr. Ponzio's charts a month; providing feedback to Dr. Ponzio on his clinical decision making and his documentation skills; and providing monthly written reports to the Director of Medical Education of the Board of Medical Examiners with regard to Dr. Ponzio's clinical decision making and documentation skills. The preceptor may not be a relative of Dr. Ponzio.

d. Dr. Ponzio shall submit to the Director of Medical Education of the Board, once a month, copies of whatever medical records that the Director of Medical Education may select for review.

e. Dr. Ponzio shall not insert any triple lumen catheters, until further order of the Board. Dr. Ponzio will be ineligible to apply to the Board to perform triple lumen catheters until he successfully completes a retraining plan that CPEP has designed with regard to triple lumen catheters. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of the CPEP retraining plan with regard to triple lumen catheters, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the triple lumen catheter training.

f. Dr. Ponzio shall not practice general internal medicine and shall limit his practice to non-invasive cardiology,

until further order of the Board; provided, however, that Dr. Ponzio may engage in the practice of internal medicine only to the extent necessary and appropriate to render care as a physician practicing non-invasive cardiology. Dr. Ponzio will be ineligible to apply to the Board to practice general internal medicine until he successfully completes a retraining plan that CPEP has designed with regard to general internal medicine. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of the CPEP retraining plan with regard to general internal medicine, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the training with regard to, and is competent to practice, general internal medicine.

11. After the period of stayed suspension shall end, and until further Order of the Board of Medical Examiners:

a. Dr. Ponzio shall not engage in the practice of medicine for more than a total of 40 hours a week.

b. Dr. Ponzio shall not insert any triple lumen catheters, until further order of the Board. Dr. Ponzio will be ineligible to apply to the Board to perform triple lumen catheters until he successfully completes a retraining plan that CPEP has designed with regard to triple lumen catheters. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio

fully complies with all requirements of the CPEP retraining plan with regard to triple lumen catheters, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the triple lumen catheter training.

c. Dr. Ponzio shall not practice general internal medicine and shall limit his practice to non-invasive cardiology, until further order of the Board; provided, however, that Dr. Ponzio may engage in the practice of internal medicine only to the extent necessary and appropriate to render care as a physician practicing non-invasive cardiology. Dr. Ponzio will be ineligible to apply to the Board to practice general internal medicine until he successfully completes a retraining plan that CPEP has designed with regard to general internal medicine. For purposes of this Order, "successful completion" shall mean that Dr. Ponzio fully complies with all requirements of the CPEP retraining plan with regard to general internal medicine, and that CPEP has unconditionally stated in a writing delivered to the Attorney General and to the Board that Dr. Ponzio has satisfactorily completed the training with regard to, and is competent to practice, general internal medicine.

12. Dr. Ponzio shall pay a civil penalty of \$25,000.00. Dr. Ponzio shall pay such civil penalty in full no later than January 30, 2006.

13. Dr. Ponzio shall pay all of the costs of the Board with regard to this proceeding, including, but not limited to, costs of investigation, expert witness fees and costs, attorney's fees and costs, and transcript costs, such costs being fixed at \$61,160.00. With regard to such costs:

a. Dr. Ponzio shall pay the amount of costs, plus interest at the judgment rate as prescribed under R. 4:42-11, in eighteen (18) equal payments, the first such payment to be due on March 1, 2006, and each subsequent payment to be due on the first day of each succeeding month.

b. The Board may, in its sole discretion, file a Certificate of Debt for the amount due under this paragraph, such Certificate to be cancelled upon payment in full of the amount of costs fixed by this paragraph.

c. If Dr. Ponzio shall fail to make any timely payment required under this paragraph, the Board may, in its sole discretion, accelerate the entire amount then outstanding and demand immediate payment of such amount. The failure of the Board to so accelerate the amount due or to so demand payment shall not constitute a waiver or release of any claim, remedy or right that the Board may have under this paragraph.

14. This Consent Order shall be a full and final disposition of the Verified Complaint. The Board shall retain jurisdiction to enforce the terms of this Order.


15. This Order shall be a full, complete and final resolution of the matter now pending before the Office of Administrative Law entitled In re Matthew R. Ponzio, M.D. (Docket No. BDSME 01964-2005N), and the parties hereby consent to the Office of Administrative Law closing the matter and returning the matter to the Board.

16. Dr. Ponzio shall fully comply with the Directives for Disciplined Licensees attached hereto as Exhibit B and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS

By: Sindy M. Paul, M.D., MPH
~~Glenn A. Farrell, Esq.~~
~~Vice President~~
Sindy M. Paul, M.D., MPH
Board President

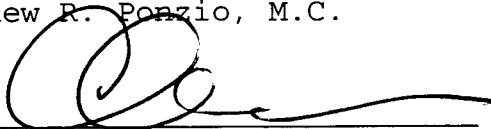
I have read the within Order. I understand the Order and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Order.


Matthew R. Ponzio, M.C.

Date: 12/20/05


We hereby consent to the form and entry of this Order

DeCotiis, Fitzpatrick, Cole
& Wisler, LLP
Attorneys for the Respondent
Matthew R. Ponzio, M.C.

By: 
Alex J. Keoskey

Date: 12/20/05

Peter C. Harvey
Attorney General of New Jersey

By: 
Kevin R. Jespersen
Deputy Attorney General

Date: 12/20/05